



# State of New Hampshire

## PUBLIC EMPLOYEE LABOR RELATIONS BOARD

---

CITY OF NASHUA, FIRE AND RESCUE DEPARTMENT	:	
	:	
Complainant	:	
	:	
v.	:	CASE NO. F-0105:22
	:	
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 789	:	DECISION NO. 97-126
	:	
Respondent	:	
	:	

---

### MOTION TO HOLD IN ABEYANCE

The Board, meeting at its offices in Concord, New Hampshire, on December 18, 1997, took the following actions:

1. It reviewed the unfair labor practice (ULP) filed by the City on November 5, 1997 and the Union's answer filed on November 20, 1997.
2. It convened for purposes of hearing the parties' respective positions on the complaint and answer and heard the parties' opening arguments thereon. Thereupon, the PELRB was presented with an issue pertaining to the representation of the Union by Attorney Milner given that his law partner, Attorney Molan is a named member of the PELRB, although he is not sitting or participating in this case in any manner.
3. The PELRB then proceeded to review RSA 273-A:2-a and Professional Conduct Rule 1.11 A. It was then moved by Member Hall, seconded by Member Osman and unanimously voted that:

This matter be held in abeyance for two (2) weeks in order to give the parties an opportunity to seek an opinion from the Ethics Committee as to whether representation in this case by Attorney Milner is an impermissible conflict. If no such request for an opinion is filed within that two week period, the parties shall be deemed to have waived their interest in pursuing this issue.

4. The PELRB adopts the foregoing motion for its order in this case. The parties shall keep the PELRB informed of their status in seeking or declining to seek such an opinion.

So ordered.

Signed this 2nd day of January, 1998.

  
\_\_\_\_\_  
JACK BUCKLEY  
Alternate Chairman

By unanimous decision. Alternate Chairman Jack Buckley presiding. Members Seymour Osman and E. Vincent Hall present and voting.